

Introduced by Senator Ortiz

February 23, 2001

An act to amend Section 17920.3 of, to add Chapter 9 (commencing with Section 17999) to Part 1.5 of Division 13 of, and to add Chapter 18 (commencing with Section 26100) to Division 20 of, the Health and Safety Code, relating to toxic mold.

LEGISLATIVE COUNSEL'S DIGEST

SB 732, as introduced, Ortiz. Toxic mold.

Existing law provides the State Department of Health Services with various powers to enforce its regulations, to promulgate regulations to protect the public health, and to enjoin and abate nuisances dangerous to public health. The department is vested with the power to perform studies, evaluate existing projects, disseminate information, and provide training programs to enforce regulations related to public health.

This bill would enact the Toxic Mold Protection Act which would require the department to adopt specific regulations to protect the public health from toxic mold.

This bill would require that the department conduct studies, consider specific delineated criteria, and consult with professional and medical experts in the field to arrive at permissible exposure limits to mold that will protect the public health and avert adverse health risks to a meaningful portion of the general population. This bill would also set the standards for the identification and the remediation of toxic molds.

This bill would also require the Office of Environmental Health Hazard Assessment to prepare and publish an assessment of the risks to public health posed by exposure to molds in indoor environments. The bill would provide for specific protocol to allow the public to be

involved in the study to determine the public health goal. The bill would also require that the level identified by the Office of Environmental Health Hazard Assessment shall be considered the public health goal for toxic mold and would be used by the department in formulating the permissible exposure limit for toxic mold. The bill would also establish specified criteria to be used by the Office of Environmental Health Hazard Assessment when determining the public health goal.

This bill would require that the public health goal be reviewed and revised at a minimum of every 5 years and would be required to consider any and all technological or treatment techniques discovered in the interim.

Under existing law, the State Department of Health Services is authorized to adopt rules and regulations related to building standards and is vested with the power to enforce all regulations to ensure that all buildings where people reside are fit for human habitation.

This bill would also add toxic mold to the list of both substandard conditions and a structural hazard to health, for buildings used for human habitation.

This bill would also require that any person who sells or rents residential real property, or sells commercial property, to provide a written disclosure, to the potential buyer or renter, disclosing the presence and location of mold-containing construction materials in the building, heating, ventilating, and air-conditioning system, or surrounding environments as well as the potential health risks that may result from exposure to mold.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17920.3 of the Health and Safety Code
- 2 is amended to read:
- 3 17920.3. Any building or portion thereof including any
- 4 dwelling unit, guestroom or suite of rooms, or the premises on
- 5 which the same is located, in which there exists any of the
- 6 following listed conditions to an extent that endangers the life,
- 7 limb, health, property, safety, or welfare of the public or the
- 8 occupants thereof shall be deemed and hereby is declared to be a
- 9 substandard building:



(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this code.

(9) Room and space dimensions less than required by this code.

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin, or rodents as determined by the health officer.

(13) General dilapidation or improper maintenance.

(14) Lack of connection to required sewage disposal system.

(15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

- 1 (7) Members of ceiling, roofs, ceiling and roof supports, or
2 other horizontal members that are of insufficient size to carry
3 imposed loads with safety.
- 4 (8) Fireplaces or chimneys which list, bulge, or settle due to
5 defective material or deterioration.
- 6 (9) Fireplaces or chimneys which are of insufficient size or
7 strength to carry imposed loads with safety.
- 8 (c) Any nuisance.
- 9 (d) All wiring, except that which conformed with all applicable
10 laws in effect at the time of installation if it is currently in good and
11 safe condition and working properly.
- 12 (e) All plumbing, except plumbing that conformed with all
13 applicable laws in effect at the time of installation and has been
14 maintained in good condition, or that may not have conformed
15 with all applicable laws in effect at the time of installation but is
16 currently in good and safe condition and working properly, and
17 that is free of cross connections and siphonage between fixtures.
- 18 (f) All mechanical equipment, including vents, except
19 equipment that conformed with all applicable laws in effect at the
20 time of installation and that has been maintained in good and safe
21 condition, or that may not have conformed with all applicable laws
22 in effect at the time of installation but is currently in good and safe
23 condition and working properly.
- 24 (g) Faulty weather protection, which shall include, but not be
25 limited to, the following:
- 26 (1) Deteriorated, crumbling, or loose plaster.
- 27 (2) Deteriorated or ineffective waterproofing of exterior walls,
28 roof, foundations, or floors, including broken windows or doors.
- 29 (3) Defective or lack of weather protection for exterior wall
30 coverings, including lack of paint, or weathering due to lack of
31 paint or other approved protective covering.
- 32 (4) Broken, rotted, split, or buckled exterior wall coverings or
33 roof coverings.
- 34 (h) Any building or portion thereof, device, apparatus,
35 equipment, combustible waste, or vegetation that, in the opinion
36 of the chief of the fire department or his deputy, is in such a
37 condition as to cause a fire or explosion or provide a ready fuel to
38 augment the spread and intensity of fire or explosion arising from
39 any cause.



(i) All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

(p) *Presence of mold that exceeds the standards established by the State Department of Health Services pursuant to subdivisions (a) and (b) of Section 26102 or is determined by the health officer or code enforcement officer, in consultation with scientific experts, to result in adverse health effects likely to result in serious or permanent bodily injury.*

“Substandard building” includes a building not in compliance with Section 13143.2.

1 However, a condition that would require displacement of sound
2 walls or ceilings to meet height, length, or width requirements for
3 ceilings, rooms, and dwelling units shall not by itself be considered
4 sufficient existence of dangerous conditions making a building a
5 substandard building, unless the building was constructed, altered,
6 or converted in violation of those requirements in effect at the time
7 of construction, alteration, or conversion.

8 SEC. 2. Chapter 9 (commencing with Section 17999) is added
9 to Part 1.5 of Division 13 of the Health and Safety Code, to read:

10
11 CHAPTER 9. MOLD-CONTAINING MATERIALS

12
13 Article 1. Disclosures

14
15 17999. (a) (1) Any person who sells residential real property
16 subject to Section 1102 of the Civil Code shall provide written
17 disclosure to potential buyers, identifying the presence or location
18 of mold-containing construction materials in the building, heating,
19 ventilating, and air-conditioning system (HVAC), or surrounding
20 environments, and shall disclose the potential health risks and the
21 health impact that may result from exposure to mold.

22 (2) The written notice required by this subdivision shall be
23 provided as soon as practicable before transfer of the title.

24 (3) The notice required by this subdivision shall include
25 disclosure of the current presence or prior existence of molds and
26 the disclosure shall include whether the current presence or prior
27 existence of molds exceeds the permissible exposure limit to
28 molds established by subdivisions (a) and (b) of Section 26102.

29 (b) (1) Landlords shall provide written disclosure to potential
30 tenants, identifying the presence or location of mold-containing
31 construction materials in the building, HVAC system, or
32 surrounding environments, as well as potential health risks or
33 health impact that may result from exposure to mold.

34 (2) The written notice shall be provided as soon as practicable
35 before finalizing the rental agreement.

36 (3) The notice shall include disclosure of the current presence
37 or prior existence of molds and if the current presence or prior
38 existence of molds exceeds the permissible exposure limit to
39 molds established by subdivisions (a) and (b) of Section 26102.

1 17999.3. (a) Sellers of commercial real property shall
2 provide written disclosure to potential buyers, identifying the
3 presence or location of mold-containing construction materials in
4 the building, HVAC system, or surrounding environments, as well
5 as potential health risks and health impact that may result from
6 exposure to mold.

7 (b) The written notice shall be provided as soon as practicable
8 before transfer of the title.

9 (c) The notice shall include disclosure of the current presence
10 or prior existence of molds and if the current presence or prior
11 existence of molds exceeds the permissible exposure limit to
12 molds established by subdivisions (a) and (b) of Section 26102.

13
14 Article 2. Enforcement
15

16 17999.5. Public health officers, code enforcement officers,
17 environmental health officers, and employees of the Department
18 of Industrial Relations may respond to complaints about mold and
19 responsibility to enforce standards developed by the department,
20 pursuant to subdivisions (a) and (b) of Section 21602.

21 17999.7. The State Department of Health Services, in
22 consultation with representatives from the Department of
23 Industrial Relations, the Commission on Building Standards,
24 consumers, building proprietors, code enforcement officers,
25 public health officers, environmental health officers, medical
26 experts in mold health effects, mold testing experts, mold
27 remediation experts, and industrial hygienists, shall develop
28 standards of education and certification for mold testing
29 professionals and mold remediation specialists.

30 SEC. 3. Chapter 18 (commencing with Section 26100) is
31 added to Division 20 of the Health and Safety Code, to read:

32
33 CHAPTER 18. TOXIC MOLD PROTECTION ACT OF 2001
34
35

36 Article 1. General Provisions
37

38 26100. This chapter shall be known, and may be cited, as the
39 Toxic Mold Protection Act of 2001.

26101. For purposes of this chapter, the following definitions apply:

(a) “Authoritative bodies” means any recognized national or international entities with expertise on public health, mold identification and remediation, or environmental health, including, but not limited to, other states, the United States Environmental Protection Agency, the World Health Organization, the American Conference of Governmental Industrial Hygienists, the New York City Department of Health, and the American Industrial Hygiene Association.

(b) “Code enforcement officer” means a local official responsible for enforcing housing codes and maintaining public safety in buildings using an interdepartmental approach at the local government level.

(c) “Department” means the State Department of Health Services, designated as the lead agency in mold identification and remediation efforts.

(d) “Exposure limit” means the maximum permissible amount of mold exposure to persons.

(e) “Identification” means the process of recognizing mold, water damage, or microbial volatile organic compounds in indoor environments.

(f) “Indoor environments” means both the indoor and outdoor habitats in and around specified structures.

(g) “Industrial hygienist” means a professional qualified by education, training, and experience to anticipate, recognize, evaluate, and develop controls for occupational health hazards, including mold issues.

(h) “Mold” means any form of multicellular fungi that live on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, cladosporium, penicillium, alternaria, aspergillus, fusarium, trichoderma, memnoniella, mucor, and stachybotrys chartarum, often found in water damaged structures.

(i) “Person” means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.

(j) “Public health officer” means a local health officer appointed pursuant to Section 101000 or a local comprehensive

1 health agency designated by the board of supervisors pursuant to
2 Section 101275 to carry out the drinking water program.

3 (k) “Remediation” means the removal of mold and
4 rectification of the underlying cause of mold and water
5 accumulation through cleanup, drying, or removal of water
6 damaged materials through the abatement processes.

7 26102. (a) In implementing this chapter, the department shall
8 do the following:

9 (1) Adopt permissible exposure limits to mold for indoor
10 environments that avoid known or anticipated adverse effects on
11 health, with an adequate margin of safety, and avoid any
12 significant risk to public health.

13 (2) Place a primary emphasis on the protection of public health
14 and, to the extent technologically and economically feasible, adopt
15 permissible exposure limits to mold to protect the public health.

16 (3) Make a determination of permissible exposure limits to
17 molds as close as feasible to the established public health goal as
18 determined by the Office of Environmental Health Hazard
19 Assessment.

20 (b) The department shall consider all of the following criteria
21 when it adopts a permissible exposure limit for molds in indoor
22 environments:

23 (1) The public health goal and permissible exposure levels for
24 molds published by the Office of Environmental Health Hazard
25 Assessment pursuant to Section 26103.

26 (2) The adverse health effects of exposure to molds, including
27 specific effects on members of subgroups that comprise a
28 meaningful portion of the general population, including but not
29 limited to, infants, children, pregnant women, the elderly,
30 asthmatics, allergic individuals, immune compromised
31 individuals, or other subgroups that are identifiable as being at
32 greater risk of adverse health effects than the general population
33 when exposed to molds.

34 (3) The standards for toxic molds, if any, adopted by
35 authoritative bodies.

36 (4) The technological and economic feasibility of compliance
37 with the proposed permissible exposure limit for molds. For the
38 purposes of determining economic feasibility pursuant to this
39 paragraph, the department shall consider the costs of compliance
40 to tenants, landlords, homeowners, and other affected parties.

1 (c) The department shall report to the Legislature on its
2 progress in developing the permissible exposure limit for molds by
3 July 1, 2003.

4 26103. The Office of Environmental Health Hazard
5 Assessment shall prepare and publish an assessment of the risks to
6 public health posed by exposure to molds in indoor environments.

7 26104. (a) The risk assessment shall be prepared using the
8 most current principles, practices, and methods used by public
9 health professionals who are experienced practitioners in the fields
10 of mold testing and examining the health effects of mold exposure.

11 (b) The risk assessment shall contain an estimate of the level of
12 exposure to molds that is not anticipated to cause or contribute to
13 adverse health effects, or that does not pose any significant risk to
14 health. The estimated level shall be known as the public health goal
15 for the contaminant. The public health goal shall be based
16 exclusively on public health considerations and shall be set in
17 accordance with all of the following:

18 (1) The public health goal shall be set at the level at which no
19 known or anticipated adverse effects on health occur. The level
20 shall contain an adequate margin of safety, according to most
21 recent data, exposure to molds does not constitute a significant risk
22 to health.

23 (2) The public health goal shall take into account the following:

24 (A) Environmental triggers or health conditions which
25 increase the likelihood that individuals will experience adverse
26 health effects when exposed to molds.

27 (B) Adverse health effects of exposure to molds, including
28 specific effects on members of subgroups that comprise a
29 meaningful portion of the general population, including, but not
30 limited to, infants, children, pregnant women, the elderly,
31 asthmatics, allergic individuals, immune compromised
32 individuals, or other subgroups that are identifiable as being at
33 greater risk of adverse health effects than the general population
34 when exposed to molds.

35 (C) The relationship between exposure to molds and increased
36 body burden and the degree to which increased body burden levels
37 alter physiological function or structure in a manner that may
38 significantly increase the risk of illness.

39 (D) The public health goal of exposure levels for mold shall be
40 based on the most current principles, practices, and methods used

1 by public health professionals experienced in the fields of mold
2 testing and examining the health effects of mold exposure.

3 26105. (a) If the Office of Environmental Health Hazard
4 Assessment is unable to determine a level of exposure to molds at
5 which no known or anticipated adverse effects on health will occur
6 with an adequate margin of safety, or a level that poses no
7 significant risk to public health, the public health goal shall be set
8 at a level that is protective of public health, with an adequate
9 margin of safety.

10 (b) The department may set the public health goal at zero if
11 necessary to satisfy the requirements of this section.

12 26106. (a) (1) The Office of Environmental Health Hazard
13 Assessment shall, at the time it commences preparation of a risk
14 assessment for exposure to molds as required by Section 26103,
15 provide notice electronically by posting on its Internet website a
16 notice that informs interested persons, including, but not limited
17 to: representatives from the Department of Industrial Relations,
18 the Commission on Building Standards, representatives of
19 consumers, building proprietors, code enforcement officers,
20 public health officers, environmental health officers, experts on
21 the health effects of molds, medical experts, mold testing experts,
22 and industrial hygienists that it has initiated work on the risk
23 assessment.

24 (2) The notice shall also include a brief description, or a
25 bibliography of the technical documents or other information the
26 office has identified to date as relevant to the preparation of the risk
27 assessment.

28 (3) The notice shall inform persons who wish to submit
29 information concerning exposure to molds of the name and
30 address of the person in the office to whom the information may
31 be sent, the date by which the information must be received in
32 order for the office to consider it in the preparation of the risk
33 assessment, and that all information submitted will be made
34 available to any member of the public who makes the request.

35 (b) Each draft risk assessment prepared by the Office of
36 Environmental Health Hazard Assessment pursuant to this
37 subdivision shall be made available to the public at least 45
38 calendar days prior to the date that public comment and discussion
39 on the risk assessment are solicited.

(c) After the Office of Environmental Health Hazard Assessment publishes the final risk assessment for exposure to molds, the office shall respond in writing to any significant comments, data, studies, or other written information submitted to the office in connection with the preparation of the risk assessment. Any such comments, data, studies, or other written information submitted to the office shall be made available to any member of the public who makes the request.

26107. The department shall consider the final risk assessment for exposure to molds prior to adopting the public health goal for permissible exposure limits to mold.

26108. (a) Notwithstanding any other provision of this chapter, the permissible level of exposure to molds may be amended by the department to make the level more stringent pursuant to this section.

(b) The department may amend a permissible level of exposure to molds to make it less stringent if the department shows clear and convincing evidence that the permissible level of exposure to molds should be made less stringent and the amendment is made consistent with this section.

26109. All public health goals for permissible exposure limits to molds published by the Office of Environmental Health Hazard Assessment shall be established in accordance with the requirements of Sections 26103 to 26105, inclusive, and shall be reviewed at least once every five years and revised, pursuant to Sections 26103 to 26105, inclusive, as necessary based upon the availability of new scientific data.

26110. The department or Office of Environmental Health Hazard Assessment may review, and adopt by reference, any information prepared by, or on behalf of, the United States Environmental Protection Agency or other authoritative bodies for the purpose of adopting a national permissible levels of exposure to molds when the department or office establishes a California permissible level of exposure to molds or publishes a public health goal, respectively.

26111. At least once every five years after adoption of permissible level of exposure to molds, the department shall review the adopted level and shall, consistent with the criteria set forth in subdivisions (a) and (b) of Section 26102, amend the permissible level if any of the following occur:

1 (1) Changes in technology or treatment techniques that permit
2 a materially greater protection of public health or attainment of the
3 public health goal.

4 (2) New scientific evidence that indicates that molds may
5 present a materially different risk to public health than was
6 previously determined.

7
8 Article 2. Standards for Identification of Molds
9

10 26120. The department, shall, in consultation with
11 representatives from the Department of Industrial Relations, the
12 Commission on Building Standards, representatives of
13 consumers, building proprietors, code enforcement officers,
14 public health officers, environmental health officers, experts on
15 the health effects of molds, medical experts, mold testing experts,
16 and industrial hygienists, adopt mold identification standards for
17 the environmental assessment of molds in indoor environments
18 that are based on the criteria in subdivision (b) of Section 26102.

19 26121. Identification standards shall include elements for
20 visual identification, olfactory identification, and measurements
21 of amount of moisture and presence of mold.

22 26122. (a) Permissible identification standards adopted by
23 the department shall protect public health, to the extent
24 technologically and economically feasible, by avoiding any
25 known or anticipated adverse effects on public health with an
26 adequate margin of safety, and by avoiding any significant risk to
27 public health.

28 (b) The department shall consider all of the following criteria
29 when it adopts identification standards for mold:

30 (1) Permissible level of exposure to molds developed by the
31 State Department of Health Services pursuant to subdivisions (a)
32 and (b) of Section 26102.

33 (2) Standards for mold identification, if any, adopted by
34 authoritative bodies.

35 (3) The latest technology and information available on
36 effective mold identification using olfactory, visual perception,
37 measurements of moisture, or the presence of mold spores, or other
38 means of effectively identifying the presence of mold.

39 (4) Professional judgment and practicality.

1 (5) The technological and economic feasibility of compliance
2 with the proposed identification standards for mold.

3 (c) The department shall develop a uniform reporting form for
4 building inspection to document the presence of mold.

5 (d) The department shall report to the Legislature on its
6 progress in developing identification standards for mold by July
7 1, 2003.

8 26123. The department shall, at the time it commences
9 preparation of identification standards for mold, develop criteria
10 to rate buildings according to the degree of hazard posed by
11 presence and condition of the mold in the buildings and
12 surrounding environments.

13 26124. (a) (1) The department shall, at the time it
14 commences preparation of identification standards for mold,
15 electronically post on its Internet website a notice that informs
16 interested persons that it has initiated work on the remediation
17 standards.

18 (2) The notice shall include a brief description, or a
19 bibliography, of the technical documents or other information the
20 department has identified to date as relevant to the preparation of
21 the identification standards for mold.

22 (3) The notice shall inform persons who wish to submit mold
23 identification information of the name and address of the person
24 in the office to whom the information may be sent, the date by
25 which the information must be received for the department to
26 consider it in the preparation of the identification standards, and
27 that all information submitted will be made available to any
28 member of the public who makes the request.

29 (b) Each draft identification standard prepared by the
30 department pursuant to this article shall be made available to the
31 public at least 45 calendar days prior to the date that public
32 comment and discussion on mold identification standards are
33 solicited.

34 (c) The department shall respond in writing to significant
35 comments, data, studies, or other written information submitted by
36 interested persons to the department related to the preparation of
37 the mold identification standards after the publication of the final
38 identification standards. Any such comments, data, studies, or
39 other written information submitted to the office shall be made
40 available to any member of the public who makes the request.

1 26125. All identification standards for mold published by the
2 department shall be reviewed at least once every five years and
3 revised, as necessary based upon the availability of new scientific
4 data or information on effective mold identification.

5
6 Article 3. Standards for Remediation
7

8 26130. The department, in consultation with representatives
9 from the Department of Industrial Relations, the Commission on
10 Building Standards, representatives of consumers, building
11 proprietors, code enforcement officers, public health officers,
12 environmental health officers, experts on the health effects of
13 molds, medical experts, mold remediation experts, and industrial
14 hygienists, shall adopt remediation standards for molds in indoor
15 environments that are based on the criteria set forth in subdivisions
16 (a) and (b) of Section 26102.

17 26131. (a) (1) Remediation standards for mold adopted by
18 the department shall place primary emphasis on the protection of
19 public health, and, to the extent technologically and economically
20 feasible, shall meet all of the following:

21 (2) Maximize the protection of individuals from adverse health
22 effects.

23 (3) Remove or clean contaminated materials in a manner that
24 prevents the emission of mold spores and dust, contaminated with
25 mold, from leaving a work area, and entering an occupied or
26 nonabatement area, and protecting the health of workers
27 performing the abatement.

28 (4) Avoid any known or anticipated adverse effects on public
29 health with an adequate margin of safety.

30 (5) Avoid any significant risk to public health.

31 (6) Include criteria for personal protective equipment.

32 (7) Require communication of hazard to building occupants.

33 26132. (a) The department shall consider all of the following
34 criteria when it adopts a remediation standard for mold:

35 (1) Permissible level of exposure to molds developed by the
36 department pursuant to subdivisions (a) and (b) of Section 26102.

37 (2) Standards for mold remediation, if any, adopted by
38 authoritative bodies.

39 (3) The latest scientific evidence or technical information
40 available on effective mold remediation.

1 (4) Professional judgement and practicality.

2 (5) The technological and economic feasibility of compliance
3 with the proposed remediation standards.

4 (b) The department shall report to the Legislature on its
5 progress in developing remediation standards for mold by July 1,
6 2003.

7 26133. (a) (1) The department shall, at the time it
8 commences preparation of remediation standards for mold,
9 electronically post on its Internet website, a notice that informs
10 interested persons that it has initiated work on the remediation
11 standards.

12 (2) The notice shall also include a brief description, or a
13 bibliography, of the technical documents or other information the
14 department has identified to date in the preparation of remediation
15 standards for mold.

16 (3) The notice shall inform persons who wish to submit
17 information concerning mold remediation of the name and the
18 address of the person in the office to whom the information may
19 be sent, the date by which the information must be received in
20 order for the department to consider it in the preparation of
21 remediation standards, and that all information submitted will be
22 made available to any member of the public who makes the
23 request.

24 (b) Each draft remediation standard prepared by the
25 department pursuant to this subdivision shall be made available to
26 the public at least 45 calendar days prior to the date that public
27 comment and discussion on mold remediation are solicited.

28 (c) At the time the department publishes the final remediation
29 standards for mold, the department shall respond in writing to
30 significant comments, data, studies, or other written information
31 submitted by interested persons to the department in connection
32 with the preparation of remediation standards for mold. Any such
33 comments, data, studies, or other written information submitted to
34 the office shall be made available to any member of the public who
35 makes the request.

36 26134. (a) The department shall make available to the public
37 upon request, information about contracting for the removal of
38 mold in a building or surrounding environment, including all of
39 the following:

1 (1) Recommended steps to take when contracting with a
2 company to remove mold.

3 (2) Existing laws and regulations pertaining to mold
4 remediation.

5 (3) Basic health information as contained in existing mold
6 publications.

7 (4) A current list of contractors who are certified pursuant to
8 Section 17999.5 to engage in mold remediation work.

9 (b) All mold remediation standards published by the
10 department shall be reviewed at least once every five years and
11 revised, as necessary based upon the availability of new scientific
12 data.

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